

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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	:
CONNECTICUT BANK OF COMMERCE,	
	:
Plaintiff,	
	:
- against -	: Civil Action No. 05-762 SLR
	:
THE REPUBLIC OF CONGO, et al.,	
	:
Defendant;	
	:
CMS NOMEKO CONGO INC.,	
	:
Garnishee.	
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ORDER

Upon consideration of the Emergency Motion of Af-Cap, Inc. (“Af-Cap”), successor-in-interest to Plaintiff Connecticut Bank of Commerce, for an Order to Show Cause for an Order of Contempt, Order of Sequestration and Preliminary Injunction against Garnishee CMS Nomeco Congo, Inc. (now CMS Nomeco Congo LLC (“CMS”)), (the “Motion”), and for good cause shown, IT IS HEREBY ORDERED:

A. That the Motion is GRANTED;

B. In accordance with Federal Rule of Civil Procedure 70, CMS is held to be in contempt of the Writ of Garnishment issued by the Superior Court of the State of Delaware on September 30, 2005, by its since having made, under the Convention dated May 25, 1979 (the “Convention”) between CMS and defendant The Republic of Congo (“Congo”) royalty payments to defendant Congo in excess of \$27 million in or about April 2006 and CMS is

ordered to pay Af-Cap \$ _____, representing the value of the royalties it has paid Congo in violation of such Writ, plus the attorneys' fees and costs of this motion.

C. In accordance with Federal Rule of Civil Procedure Rule 69, and through it, 10 Del. Ti. § 366 and Delaware Chancery Court Rule 4(db), the Court orders the sequestration of the property of defendant Congo and directs the U.S. Marshal's Service to seize, in aid of Af-Cap's execution of an underlying judgment against defendant Congo, all property of Congo in the possession of CMS, including its right to receive royalties under the Convention; and

D. CMS is preliminarily enjoined from transferring any interest in the Convention, including its obligation to pay oil royalties to any other party (and in particular any corporation, entity or person resident in Congo), except on consideration of providing satisfactory security for the payment of any judgment that might be entered in this case; and further attempting to abscond from the United States during the pendency of this action.

SO ORDERED:

U.S.D.J.